THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.4694 of 1995

ORDER:

This writ petition is filed seeking a Mandamus declaring the proceedings Rc.No.2511/87-C dated 29.7.1987 issued by the second respondent and proceedings No.A6/496/94 dated 19.12.1994 issued by the first respondent as illegal, arbitrary, without jurisdiction and violative of Articles 14, 16, 21 and 311 of the Constitution of India and consequently direct the respondents to reinstate the petitioner in service forthwith with all consequential benefits.

It appears, while the petitioner was working as an Assistant Engineer (Housing), Pedapadu, after conducting an enquiry into certain allegations made against him, the second respondent through his order dated 29.7.1987 terminated his services with immediate effect. Apart from the enquiry conducted into misappropriation of funds and termination, petitioner was also proceeded under criminal law.

Earlier, petitioner filed W.P.No.17259 of 1994 challenging the proceedings dated 29.7.1987 issued by the second respondent. The said writ petition was disposed of by this Court on 29.9.1994 directing the second respondent herein (first respondent therein) to consider the representation said to have been submitted by the petitioner to review the earlier order dated 29.7.1987 terminating his services and pass appropriate orders within two months from the date of receipt of the order. This order seems to have been passed on the submission made by the learned counsel for respondents that "petitioner filed a representation stating that he was acquitted in the criminal case, therefore his case needs to be re-considered".

After disposal of the said writ petition, petitioner made representation to the first respondent on 21.10.1994. The first

respondent after considering the matter on the basis of acquittal of the petitioner in the criminal case passed impugned proceedings rejecting the petitioner's request for reinstatement. Hence the present writ petition.

Having regard to the facts and circumstances of the case, I am of the view that the order dated 29.7.1987 had attained finality in the earlier writ petition. However, during the pendency of earlier writ petition, since the petitioner was acquitted in the criminal case, this Court directed the first respondent to consider his case taking the acquittal into consideration. The first respondent after considering the petitioner's case and the acquittal into consideration, passed an elaborate order rejecting the petitioner's request for reinstatement. I am of the considered opinion that the first respondent has not committed any illegality or irregularity calling for interference of this Court under Article 226 of the Constitution of India. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition dismissed. No order as to costs.

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C.V.RAMULU, J

Date: 5.9.2006

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W.P.No.4694 of 1995

5.9.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.4694 of 1995

Dated: 5th September, 2006

Between:

K.Venkateswara Rao

.. Petitioner

and

The Andhra Pradesh State Housing
Corporation Ltd., rep. by its Managing Director,
Gruhakalpa Complex, Hyderabad & others.

.. Respondents